

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

First Penn-Pacific Life  
Insurance Company,

Case No. 17-cv-1015 (PAM/SER)

Plaintiff,

v.

**ORDER**

Ronald Burns, as personal  
Representative of the Estate  
of Lynn Josephson, and  
John Josephson, as personal  
representative of the Estate  
of Alan Josephson,

Defendants.

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This matter is before the Court on the parties' Joint Motion. (Docket No. 15.) The parties first request that the Court stay this matter while Defendants proceed in state probate court to determine who receives the proceeds from the two life insurance policies at issue here. The parties also stipulate that Plaintiff may be dismissed from this Interpleader action.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The parties' Joint Motion (Docket No. 15) is **GRANTED**;
2. Once Plaintiff deposits in the Court Registry the amount set forth in the Court's Order (Docket No. 16):
  - (a) Plaintiff is **DISMISSED with prejudice** from this interpleader action and is released and discharged from any and all liability to Defendants, and

their heirs, assigns and beneficiaries, for or in connection with the proceeds of the life insurance policy Plaintiff issued to Alan Josephson (Policy No. T102215696), or the life insurance policy Plaintiff issued to Lynn Josephson (Policy No. T101719617);

- (b) Plaintiff, having by agreement of the parties been permitted to deduct and retain \$2,500.00 from the amount of each policy prior to depositing the remaining policy proceeds with the Court Registry (for a total deduction of \$5,000.00), is not awarded any other costs or fees in this action;
- (c) Defendants are permanently enjoined from initiating any other action against Plaintiff for or in connection with recovery of the proceeds of the life insurance policy Plaintiff issued to Alan Josephson (Policy No. T102215696), or the life insurance policy Plaintiff issued to Lynn Josephson (Policy No. T101719617);
- (d) Defendants shall litigate their claimed entitlement to the proceeds of the aforementioned policies between themselves without further involving Plaintiff, except as provided in the parties' agreement.

3. As to Defendants, this interpleader action is **STAYED** unless and until the Court lifts the stay for good cause, either on motion of Ronald Burns, as Personal Representative of the Estate of Lynn Josephson or Jon Josephson, as Personal Representative of the Estate of Alan Josephson, or on the Court's own accord.

4. Defendants shall jointly file with the Court quarterly reports on the status of the claims in state probate court, Court File Nos. 19HA-PR-16-811 and 19HA-PR-16-854.

Dated: June 1, 2017

*s/ Paul A. Magnuson*

Paul A. Magnuson  
United States District Court Judge